

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Daniel J. Kump, et al.
For : CEILING GRID SIGN HANGER
Serial No. : 10/083,251
Filed : October 22, 2001
Group Art Unit : 3632
Examiner : Ko Hung Chan
Last Office Action : April 7, 2004
Attorney Docket No. : FFRZ 2 00168-3

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Cleveland, Ohio 44114-2518
October 7, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner of Patents
Washington, D.C. 20231
Attn: Board of Patent Appeals and Interferences

Dear Sirs:

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed April 7, 2004 finally rejecting claims 1, 3, 11-13, 17-25, 29 and 30-33.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of a small entity.

☐ This application is on behalf of other than a small entity.

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Date of Deposit October 7, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Attn: Board of Appeals and Interferences, Assistant Commissioner for Patents, Washington, D.C. 20231.

Kathleen A. Nimrichter
Kathleen A. Nimrichter

10/15/2004 CCHAU1 00000057 10083251

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170.00 DP

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(e) the fee for filing the Notice of Appeal is:

 X a small entity \$ 170.00

 other than a small entity \$ 340.00

3. **EXTENSION OF TIME**

 x A Request for a Three Month Extension of Time up to and including October 7, 2004 is enclosed herewith.

 Applicant believes that no extension of time is required.
However this conditional petition is being made to provide for the possibility that applicant has overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$170.00

Three Month Extension Fee: \$490.00

Total due: \$660.00

5. **FEE PAYMENT**

Attached are checks in the amount of \$170.00 and \$490.00.

If any additional fee is required authorization is hereby provided to charge Account No. 06-0308.

6. **AMENDMENT**

It is respectfully requested that the Amendment filed on June 18, 2004 (copy enclosed) be entered into the record of the above-identified application.

7. **REFUND OF FEES**

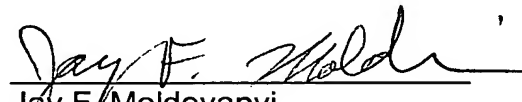
Applicant contacted the Examiner on October 5, 2004 to inquire if the Amendment After Final Rejection filed on June 18, 2004 had been

considered. The Examiner informed applicant that the Examiner had not even received the Amendment for review because it had not yet been scanned into the Patent Office system. The Amendment was filed on June 18, 2004, well before the due date of July 7, 2004. As a result, the Amendment should have, by now, been considered by the Examiner and applicant should have been informed of the Examiner's decision concerning it. Applicant therefore respectfully requests that the above Notice of Appeal Fee and Three Month Extension Fee be refunded.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP**

7 Oct 2004
Date


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